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December 5, 2017

BY ECF AND FAX (212-805-6737)

Judge George B. Daniels
United States District Judge
United States District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Continental Casualty Co. v. Al Qaeda Islamic Army, 04 Civ. 5970
In Re Terrorist Attacks on September 11, 2001 03 MDL 1570

Dear Judge Daniels:

This firm represents the plaintiffs ("Plaintiffs") in *Continental Casualty Co. v. Al Qaeda Islamic Army*, 04 Civ. 5970, which is part of the multi-district litigation *In Re Terrorist Attacks on September 11, 2001*, 03 MDL 1570. Plaintiffs respectfully request an extension of their time, from December 11, 2017 until January 11, 2018, to file objections to Magistrate Judge Netburn's report and recommendation, dated November 27, 2017 (the "Report"), with regard to Plaintiffs' application for an assessment of damages against defendant the Islamic Republic of Iran (Your Honor entered a default in favor of Plaintiffs and against Iran on January 6, 2017).

Plaintiffs request this extension of time to allow them to fully address a variety of complex issues which are raised by the Report. For example, the Report recommended that Plaintiffs not be awarded any damages under the State Sponsor of Terrorism Exception to the Foreign Sovereign Immunities Act, 28 U.S.C. §1605A, with regard to payments they had made under reinsurance agreements, although it noted that this recommendation was in tension with prior recommendations of Magistrate Judge Maas in this MDL and with *Certain Underwriters at Lloyd's London v. Great Socialist People's Libyan Arab Jamahiriya*, 811 F. Supp.2d 53 (D.D.C. 2011).

As another example, the Report recommended that prejudgment interest not be deemed to accrue until Plaintiffs had actually made indemnity payments to their insureds, a recommendation which it noted was also in tension with a prior recommendation by Magistrate Judge Maas in this MDL and with *Certain Underwriters*.

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In addition, Your Honor has already granted the Plaintiffs' Executive Committee for Commercial Claims an extension of time until January 11 to file a brief with regard to the Report and it would promote judicial efficiency if all submissions with regard to the Report were made at the same time.

Plaintiffs thank this Court for its consideration of this request.

Respectfully submitted,



Robert M. Kaplan